



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 9, 2007

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Councilman Griffin Chalfant, Ward 2

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20070395 Swearing-in of Marietta Police Officers

Matthew Parker, Andy Colquitt, and Evan Waldrep

PROCLAMATIONS:

20070501 Georgia's Teacher of the Year

Proclamation recognizing Emily Jennette, second grade teacher from Sawyer Elementary, as the 2008 Georgia Teacher of the Year.

20070317 Proclamation honoring Mitch Bland

20070318 Proclamation honoring Lawrence Stalworth

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* 20070452 Regular Meeting - April 11, 2007

Review and approval of the April 11, 2007 regular meeting minutes.

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

* 20070426 Pro Hac Judge

- Appointment of Steven Leibel as Associate Judge for Municipal Court
- * **20070444 Board of Lights and Water - Citizen Member**
- Appointment of Bruce Coyle to the Board of Lights and Water (Resident Member) for a four-year term, expiring May 8, 2011.
- * **20070405 Construction Board of Adjustment and Appeals**
- Appointment of Susan Grant to the Construction Board of Adjustment and Appeals (Ward 1) for a term of five years, expiring April 10, 2012.
- * **20070451 Marietta Development Authority Appointments**
- Appointment of Sandra W. Vann to the Marietta Development Authority to fill the unexpired term of Norma Whitaker, effective immediately and expiring May 17, 2009.

ORDINANCES:

- 20070344 Z2007-07 BRE/MDH Partners Marietta, LLC 1165 & 1177 Hayes Industrial Drive**
- Z2007-07 BRE/MDH PARTNERS MARIETTA, LLC requests rezoning for property located in Land Lot 945, 16th District, Parcels 0200 and 0014 and being known as 1165 and 1177 Hayes Industrial Drive from LI (Light Industrial) to HI (Heavy Industrial). Ward 5.
- Planning Commission recommends approval. Vote: 6-0-0*
- No stipulations*
- Public Hearing (all parties are sworn in)*
- 20070345 Z2007-08 H. Louis Tooker / Trine LLC 1145 Barnes Mill Road**
- Z2007-08 H. LOUIS TOOKER / TRINE LLC request rezoning for property located in Land Lot 10940, 16th District, Parcel 0790 and being known as 1145 Barnes Mill Road from R-3 (Single Family Residential 3 units/acre) to R-4 (Single Family Residential 4 units/acre). Ward 6.
- * **20070464 Code Enforcement, 1651 Massachusetts Avenue**
- An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 1651 Massachusetts Avenue, in the corporate limits of the City of Marietta.
- Certified Mail receipt not received as of April 25, 2007.
- Taxes Paid: Yes
- PUBLIC HEARING REQUIRED
- Certified Mail Receipt not returned.
- Philip M. Goldstein abstaining.
- * **20070482 Code Enforcement, 1814 Crestridge Drive**
- An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 1814 Crestridge Drive, in the corporate limits of the City of Marietta.

Certified mail receipt received April 12, 2007.

Taxes paid: No

PUBLIC HEARING REQUIRED

* **20070483 Code Enforcement, 173 Parkview Drive**

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 173 Parkview Drive, in the corporate limits of the City of Marietta.

Certified mail receipt not received as of May 1, 2007.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Certified Mail Receipt not returned.

Philip M. Goldstein abstaining.

* **20070484 Code Enforcement, 567 Bouldercrest Drive**

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 567 Bouldercrest Drive, in the corporate limits of the City of Marietta.

Certified mail receipt received April 14, 2007.

Taxes paid: No

PUBLIC HEARING REQUIRED

* **2007046482 Code Enforcement - 165 North Fairground Street**

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 165 North Fairground Street, in the corporate limits of the City of Marietta.

Certified mail receipt not received as of May 1, 2007.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Certified Mail Receipt not returned.

Philip M. Goldstein abstaining

* **20070489 Code Enforcement - 477 North Fairground Street**

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 477 North Fairground Street in the corporate limits of the City of Marietta.

Certified mail receipt not received as of May 1, 2007.

Taxes paid: No

PUBLIC HEARING REQUIRED

Certified Mail Receipt not returned.

Philip M. Goldstein abstaining

* **20070492 Code Enforcement - 202 South Avenue**

An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 202 South Avenue in the corporate limits of the City of Marietta.

Certified mail receipt not received as of May 1, 2007.

Taxes paid: Yes

- PUBLIC HEARING REQUIRED
Certified Mail Receipt not returned.
Philip M. Goldstein abstaining
- * **20070494 Code Enforcement - 130 Woods Drive**
- An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 130 Woods Drive in the corporate limits of the City of Marietta.
Certified mail receipt not received as of May 1, 2007.
Taxes paid: No
PUBLIC HEARING REQUIRED
Certified Mail Receipt not returned.
Philip M. Goldstein abstaining
- * **20070496 Code Enforcement - 395 Alexander Street**
- An ordinance authorizing the removal of obnoxious vegetation, along with trash and debris, rendering sanitary property located at 395 Alexander Street in the corporate limits of the City of Marietta.
Certified mail receipt not received as of May 1, 2007.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Certified Mail Receipt not returned.
Philip M. Goldstein abstaining

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

- * **20070502 Denial of a claim**
- Denial of a claim of Janet Predko and Peter Predko.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

- * **20070425 Awarding of Audit Services Contract**
- Motion to approve a new contract for City and BLW audit services, beginning with FY07, by hiring the firm of Moore & Cubbedge LLP; such contract to include a renewal option for each of the next four years.

- * **20070461 Special Funds for Hotel Motel & 3% Auto Tax**
- Ordinance establishing a new and separate Hotel/Motel and 3% Auto Tax funds, as required by the State of Georgia by its adoption of a Uniform Chart of Accounts, and Budget approval for FY2007

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20070206 Site Plan Review for Starbucks**

Motion to approve the Site Plan for Starbucks at 811-825 Church Street

* **20070319 Marietta Walk Revised Detailed Plan - Cabana and Recreation areas**

Motion to approve the Marietta Walk Detailed Plan - Cabana and Recreation Areas.

20070370 Overlay for Whitlock Avenue

Motion to authorize advertisement for the following proposed amendments to the Commercial Corridor Design Overlay District:

-95% of any residential units (for both Tier A and Tier B) must be owner occupied.

-The maximum front setback was changed from 35 ft. to 65 ft. for Tier B.

-Optional points for including interparcel access increased to 35 points. Setbacks are from building to the property line instead of from building to back of curb.

-There shall be no radius past the designated streets for Tier A & B of the Overlay District.

-The remainder of Whitlock Avenue from Kirkpatrick to Polk Street Extension shall be incorporated into Tier B. Powder Springs Street from Sandtown Road to County Services Parkway shall also be incorporated.

* **20070435 Turner Road Detailed Plan**

Motion to approve the Detailed Plan for Turner Road.

* **20070438 Existing Residential Lots**

Motion to authorize advertisement of the proposed amendment to the Zoning Ordinance regarding the zoning review process for existing residential lots.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

* **20070434 Off leash dog areas**

Approval to establish a city ordinance codifying the establishment of off leash dog areas and regulations for their use previously adopted by a motion of the City Council, as amended.

* **20070433 Marietta Business Association "Art in the Park" Requests**

Motion to approve a request to waive City Code Section 10-4-070(E) to provide for the consumption of beer and wine in Glover Park and the sale and consumption of beer and wine adjacent to Glover Park.

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20070422 Amendment of Personnel Rules and Regulations**

Ordinance approving amendments to the Personnel Rules and Regulations contained in Part 4, Subsection 8-090 and Subsections 24-36 of the Code of Ordinances for updates to current standards.

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* **20070450 Upgrade of One Urban Planner Position to New Position of Urban Planner II**

Creation of the position of Urban Planner II on the authorized pay and classification plans of the City of Marietta/BLW for FY 2007 and to upgrade one authorized position of Urban Planner to Urban Planner II in the Development Services Department [#1801] on the City/BLW's position allocation chart for FY 2007.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20070419 Standard Operating Procedures**

Motion to adopt amendments to Marietta Police Department Standard Operating Procedures A023 Handcuffing, A045 Time Control Procedures, and P044 Police Vehicles in order to maintain CALEA accreditation.

Councilman Van Pearlbearg opposing A045 Time Control Procedures

20070443 False Alarm Ordinance

Motion to approve the False Alarm Ordinance and the approval of requested software.

7. Public Works Committee: Jim King, Chairperson

* **20070332 2005 SPLOST Project Acceleration**

Motion to proceed with acceleration of certain 2005 SPLOST Projects using bonds.

* **20070447 Denmeade Street**

Motion to authorize advertisement closure and abandonment of a portion of Denmeade Street, along with the exchange of property of equal square footage with Atlanta Northern Traction.

Councilman Philip Goldstein abstaining on this matter.

* **20070455 Dobbs Street**

Motion to authorize discussions with the First Baptist Church of Marietta for a possible land swap for an equivalent amount of land in order to relocate the dumpsters on the Square. Further, to explore the option of closing Dobbs Street or Root Street in conjunction with the possible land swap.

* **20070449 SR 120 Signals**

Motion to approve a request from the Cobb Department of Transportation (DOT) to take over maintenance of the signalized intersections on SR120 from Lantern Ridge Drive to Greenbriar Parkway.

SCHEDULED APPEARANCES:

20070523 Mr. Marvin Little

Request to build an enclosed porch for a handicapped tenant.

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20070520 Disclosure

Disclosure to the Mayor and City Council of the City of Marietta, the Chairman and members of the Marietta Redevelopment Corporation, and the City Clerk of the City of Marietta of the facts contained in a letter from Councilman Philip M. Goldstein, dated May 2, 2007 and his intention to abstain on certain items.

*** 20070521 Civil War Canon**

Motion to approve a request to loan the Civil War Canon located at the Marietta Conference Center and Resort to the Southern Museum of Civil War and Locomotive History for an exhibition, from July to December 2007, subject to the approval of the city attorney and the city manager.

*** 20070486 BLW Actions of May 7, 2007**

Review and approval of the May 7, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW), with the exception of agenda item 20070518.

Consent Agenda with the exception of Agenda Item # 20070518

ADJOURNMENT: